

Statement of Roger Nober, Member-Designate, Surface Transportation Board  
before the Senate Committee on Commerce, Science and Transportation  
September 5, 2002

Thank you Chairman Breaux and Ranking Member Smith. I am pleased to appear before this Committee today as President Bush's nominee to the Surface Transportation Board (STB).

I want to thank Senators Warner and Baucus and Congressman Petri for their kind introductions. I have had the honor of working with them over the past nine years and am deeply grateful to them for their kind words. I would also like to thank Transportation Secretary Mineta and Deputy Secretary Jackson. I have had the privilege of working for them over the past 15 months and I appreciate their support for my nomination.

I would also like to express my appreciation to the Committee for holding this hearing early in September. My wife Jane is pregnant with our third child and due to deliver later this month. She is in the audience today and easy to find. By scheduling this hearing today the Committee has made it possible for her, my children, William and Benjamin, and my parents Linda and Harris Nober to all be here.

I appear before this Committee today as President Bush's nominee to the STB. The President has indicated that if I am confirmed, he would designate me as Chairman of the STB. The STB is an independent agency, and the President expects that if confirmed, I will implement the portion of the national transportation policy under its jurisdiction effectively, impartially and fairly.

I am particularly pleased that the President has nominated me to serve as a member of the STB, since, as a staff member in the House, I had the privilege to work on the legislation that created it. As all of you know, the Interstate Commerce Commission Termination Act of 1995 eliminated the ICC and created the STB. I was the lead staff member of the House Committee on Transportation and Infrastructure with respect to trucking and pipeline issues on that bill. Since then, I have continued to work closely with the Members of the Board, the Members of this Committee and the Board's stakeholders on matters under its jurisdiction.

I am committed to public service, and if you confirm me as a Member of the STB, you will allow me to continue my many years of public service in transportation policy. I was a staff member for the House Committee on Transportation and Infrastructure for eight years, ultimately serving as Chief Counsel of that Committee. Since May of 2001, I have served as Counselor to Deputy Secretary Michael Jackson at the Department of Transportation where I have advised him and Secretary Mineta, particularly on the broad range of policy issues facing the Department since the September 11 terrorist attacks. In these positions, I have been deeply involved in transportation policy matters of all types. In performing my Congressional duties, I always gave full consideration to the input of all parties on issues and worked hard to reach consensus wherever possible in a fair, bi-partisan manner. If anything, my time in the Executive Branch has reinforced the importance of the vital transportation policy issues facing the STB and the need to work on them in a fair, bi-partisan manner.

The STB is an independent, adjudicatory body, and its Members must be open minded, impartial and fair with respect to the decisions they make. If I am confirmed to be a Member of the STB, I will give all of the issues that come before it full, fair and impartial consideration. I would not take office with any preconceived notions about the outcome of any particular issue, but rather would examine each matter on its merits and strive to make the best decision possible consistent with the facts, the law and precedent. If I am confirmed, those who bring matters before the Board may be sure that I will give all matters thoughtful, fair, impartial and careful consideration.

Finally, I would like to make clear that if confirmed, I would continue to work closely with the Congress and all stakeholders in the agency. I worked for the Congress for many years, and have the

utmost respect for the letter and the spirit of the laws passed by this institution. I recognize the need to work closely with the Members of the House and Senate, and if I am confirmed, all Senators can be sure that I will be open and accessible to them and their staffs.

Similarly, I believe it is important to be open and accessible to the agency's stakeholders, and if confirmed, I would have an open door policy to the extent permitted.

In closing, I hope I will have the opportunity to continue to serve the public as a Member of the STB. I thank you for your consideration and look forward to answering any questions you might have.